IN RE: PETITION FOR ZONING VARIANCE S/S Old Battle Grove Road, 740'+/- S of St. Patricia (7305 Old Battle Grove Road) 15th Election District 5th Councilmanic District

Frank Rynarzewski, et ux Petitioners

> \* \* \* \* \* \* \* \* \* \* \* FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 90-346-A

The Petitioners herein request a variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Petitioners' son, Frank Rynarzewski. There were no Protestants.

Testimony indicated that the subject property, known as 7305 Old Battle Grove Road, consists of 10,406 sq.ft. zoned D.R. 5.5 and is presently unimproved. Said property is located within the Chesapeake Bay Critical Areas on Bear Creek. Testimony indicated Petitioners purchased the subject property, also known as Lot 3 of Battle Grove, in November, 1989 with the intention of developing the property with a single family dwelling, as depicted on Petitioner's Exhibit 1, for their son and daughter-in-law. When Petitioners applied for their building permit, they were advised to file the instant variance as the property does not meet current lot width requirements. Testimony indicated there is no other additional land on either side of the subject property which is available for Petitioners to purchase in order to meet said requirements. Petitioners testified that the proposed dwelling can be developed to meet Critical Areas legislation requirements as well as all front, side and rear yard building setbacks.

Further testimony indicated that to grant the relief requested would not result in any detriment to the health, safety or general welfare of the surrounding community.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoninc Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of

the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserv fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this \_\_\_\_\_day of March, 1990 that the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1,

be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The relief granted herein is conditioned upon the development of the subject property in strict compliance with the zoning regulations. There shall be no side, rear or front yard variances requested for the subject property.

IT IS FURTHER ORDERED that the Peticionar shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated January 29, 1990, attached hereto and made a part hereof.

> Al Nesterovia ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

PETITION FOR ZONING VARIANCE Cutual C TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-346-A
The undersigned, legal owner(z) of the property situate in Baltimore County and which is described in the description and plat attached mereto and made a part hereof, hereby petition for a in lieu of the required 55 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for following reasons: (indicate hardship or practical difficulty) My wife and I bought the land as a building lot. Our intension was to build a house on the lot for my son and his future wife. We thought we would give our son & his future wife a good start in life.

Property is to be posted and advertised as prescribed by Zoming Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County.

which is the subject of this Petition. TYPE OF PRINT Name) Frank Rimaszewski m. Type or Print Name) 7608 BELMONT AVE. H. 488-3936 Baltimore County

Zoning Commissioner

County Office Building

111 West Chesapeake Avenue

Towson, Maryland 21204

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/ <b>87</b>	H9000218
C HEARING FEES OTY	PRICE
ZONING VARIANCE (IRL) 1 X	\$35.00 : \$35.00

90.346-A

Beginning at a point on the North side of Old Battle Grove Road which is 30 feet wide at the distance of Approx. 1,100 feet + North of the centerline of the nearest improved intersecting street St. Patricia which is 40 feet + wide. Being Lot #3, Block (?), Section # (?) in the subdivision of Battle Grove as recorded in Baltimore County Plat Book #5, Folio #75, containing Approx. 10,406+ square feet. Also known as 7305 Old Battle Grove Road and located in the #15th Election District of Baltimore County Maryland. Liber #2856, Folio #158

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towns: Manufacture County

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Posted by Signature	<del></del>
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CERTIFICATE OF PUBLICATION

TOWSON, MD., Jobrusy 15, 1990 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive 

THE JEFFERSONIAN,

CERTIFICATE	OF	PUBL	[CA

TOWSON, MD., February 15, 1990 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper publishe. in Towson, Baltimore County, Md., once in each of \_\_\_ successive weeks, the first publication appearing on Jeb 15, 19 90.

1. Zahe Orlins

**CERTIFICATE OF PUBLICATION** 

THE AVENUE NEWS

442 Eastern Blvd.

February 15,

THIS IS TO CERTIFY. that the annexed advertisement of Frank Rynarzewski in the matter of Petition for Zoning Variance on 7305 Old Battle Grove Rd. Case # 90-346-A P.O.#012663, Req. #M38202. 91 lines @.55 or \$50.05

was inserted in The Avenue News a weekly newspaper

published in Baltimore County, Maryland once a week for \_\_\_\_\_1 successive week(s) before the 16 day of Feb. 1990; that is to say, the same was inserted in the issues of Feb 15, 19 90

The Avenue Inc.

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zoning Commissioner Tr. & Mrs. Frank Rynarzewski

7608 Belmont Avenue Baltimore, Maryland 21224 Re: Petition for Zoning Variance

CASE NUMBER: 90-346-A S/S Old Battle Grove Road, 740' ± S of St. Patricia Street 7305 Old Battle Grove Road 15th Election District - 5th Councilmanic Petitioner(s): Frank Rynarzewski, et ux HEARING: MONDAY, MARCH 12, 1990 at 11:00 a.m.

Dear Petitioners:

Please be advised that  $\frac{5/24.16}{1}$  is due for advertising and posting of THIS FEE MUSI BE PAID AND THE PONTOR AND THE PONTOR the above captioned property.

Baltimore County
Zoning Co-Zoning Commissioner

County Office Building
111 West Chesapeake Avenue

3/12/50 FUBLIC HEARTHG FLES 080 -POSTING SIGNS / ADVERTISHNO 1 X

B B D31 \*\*\*\* 12416; a 3126F

Dennis F. Rasmussen
County Executive

TOTAL: \$124.16 LAST NAME OF DUNER: RYNARZEUSKI

Please make checks payable to: Rultimore County

Baltimore County Zoning Commissioner
Office of Planning & Zonin Towson, Maryland 21204 (301) 837-3353 J. Robert Haines

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office ? Iding, locater at 111 W. Chesapeake Avenue in Towson, Maryland as

Petition for Zoning Variance CASE NUMBER: 90-346-A 5/5 Old Battle Grove Road, 740' ± 5 of St. Patricia Street 7305 Old Battle Grove Road 15th Election District - 5th Councilmanic Petitioner(s): Frank Rynarzewski, et ux HEARING: MONDAY, MARCH 12, 1990 at 11:00 a.m.

Variance: To permit a lot width of 50 ft. in lieu of the required 55 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

BALTIMORE COUNTY, MARYLAND

579-38-00 E 50.00 0 19.10 50.90 4 80.00 COVERED 2452 #1303 BEAL SURVEY FOR LOTS 2-3 BATTLE GROVE PLAT BOOK 5-75 FRANK S. LEE DISTRICT BALTIMORE CO., MARYLAND 1277 NEIGHBORS AVE.

PUBLIC UTILITIES IN BATTLE GROVE PROPERTY IS CRITICAL OWNERS: MR+MRS FRANK RYNARZEWSKI PLAN FOR ZONING VARIANCE HOUSE LOCATION IS APPROXIMATE MINOR ADJUSTMENTS OLD BATTLE GROVE RD. COMPLYWITH THE BC.Z.R. RYNARZEWSKI 30 R/W, 12 PAVING LPROPERTY I AGREE TO AND AM RESPONSIBLE FOR THE INFORMATION ON THIS PLAN Tean Syrangery . 23 ± ACRES EXISTING 281 DWEL PROPOSED No 730 DWLG WATER FRONT WATER PIN OAKTREE! LOUVST TREE. LOT 3 BATTLE GROVE FOLIO 75 SCALE 1=25 BEAR CREEK

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353 J. Robert Haines
Zoning Commissioner

March 6, 1990

Mr. & Mrs. Frank Rynarzewski 7608 Blemont Avenue Baltimore, MD 21224

RE: Item No. 218, Case No. 90-346-A Petitioner: Frank Rynarzewski, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Rynarzewski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action intended to indicate the appropriateness of the Zoning action requested, but to assure that all parties are made aware of plans or requested, but to assure that all parties are made aware or plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the On this case. Director of readining may rise a written report with the Zoning Commissioner with recommendations as to the suitability of the

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for tiling on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

17th day of January, 1989.

1. Robert Haines ZONING COMMISSIONER

Received By:

Zoning Plans Advisory Committee

Petitioner: Frank Rynarzewski, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE 11-7-89

J. Robert Haines Zoning Commissioner

E1 - 30'

DATE: January 18, 1990

ALTIMORE, MD. 21237

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Frank Rynarzewski, et ux., Item 218

The Petitioner is requesting a Variance to permit a 50 ft. lot width in lieu of the minimum 55 ft. required. Staff has the following comments on the above request: In instances such as these, staff's primary concerns are:

 What is the impact on adjoining property?
 Are adequate front, side and rear yard setbacks being provided on the site?

3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas? Based on the information provided and analysis conducted, staff

recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.

- Any applications for building permits shall include a copy of the site plan and the Commissioner's Findings of Fact and Conclusions of Law," provided by the applicant

If there should be any further questions or if this office can provide additional information, rlease contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

JM 1 9 1998

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500

Paul H. Reincke Chief

JANUARY 29, 1990

J. Robert Haines Zoning Commissioner Office of Planning and Zoning



EXISTING

DWEL

No7303

FRONT

Baltimore County Office Building Towson, MD 21204

FRANK RYNARZEWSKI RE: Property Owner: S/S OLD BATTLE GROVE ROAD Location:

Item No.: 218 Zoning Agenda: JANUARY 16, 1990

Gentlemen:

Pursuant to your request, the referenced property bas been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Ccde", 1988 edition prior to occupancy.

REVIEWER: Catt Orce Follow 1-30-90 Appling Group
Special Inspection Division Fire Prevention Bureau

JK/KEK



Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

March 19, 1990

Mr. & Mrs. Frank Rynarzewski 7608 Belmont Avenue Baltimore, Maryland 21224

S/S Old Battle Grove Road, 740'+/- S of St. Patricia RE: PETITION FOR ZONING VARIANCE 15th Election District - 5th Councilmanic District Frank Rynarzewski, et ux - Petitioners Case No. 90-346-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Patition for Zoning Variance has been granted Dear Mr. & Mrs. Rynarzewski: in eccordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 88?-3391. Very truly yours,

an Noterwig ANN H. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

Chesapeake Bay Critical Areas Commission Tawes State Office Building, D-4, Annapolis, Md. 21404

Findings: At present, rooftop runoff does not appear to be collected in rainspouts. In order to comply with the above

regulation, rooftop runoff shall be directed through downspouts

The Zoning Variance shall be conditioned so the project proposal is

Upon compliance with Chesapeake Bay Critical Area Regulations, this

Robert W. Sheesley, Director

and Resource Management

Department of Environmental Protection

and into Dutch drains or seepage pits (see attached drainage and into button drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of Information sheet). This will engourage maximum intilitration of stormwater and decrease the amount of runoff leaving the site.

in compliance with the Chesapeake Bay Critical Area Regulations and

upon compliance with Chesapeake Bay Critical Area Regulations, the project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Memo to Mr. J. Robert Haines

Findings listed above.

RWS:DCF:ju

Attachment

cc: The Honorable Ronald B. Hickernell

The Honorable Dale T. Volz

Mrs. Janice B. Outen

The Honorable Norman R. Lauenstein

January 29, 1990

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 19, 1990 FROM: Robert W. Bowling, P.F

Zoning Advisory Committee Meeting for January 16, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 182, 209, 211, 213, 215, 216 and 2187

For Items 214 and 222 the County Review Group Comments for each item still apply.

For Item 217 the County Review Group Comments still apply. There are many discrepancies on the boundary of the storm water management reservation compared to the record plats, and an 8-foot vertical difference in grades between Sections 1 and 2 adjacent to lot 74.

> ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:B

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines

Zoning Commissioner FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 218 Frank and Geraldine Rynarzewski Property Chesapeake Bay Critical Area Findings

FES 7 1990

DATE: January 29, 1990

ZONING OFFICE

SITE LOCATION

The subject property is located at 7305 Old Battle Grove Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Frank Rynarzewski APPLICANT PROPOSAL

The applicant has requested a variance from section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit "a lot width of 50 feet in lieu of the required 55 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

LIBER 8 3 3 3 PAGE 5 5 1

by and between

in the year one thousand nine hundred and eighty-nine  ${\cal J}$  Charles J. Bauer

Baltimore County Frank M. Rynarzewski and Geraldine G. Rynarzewski, his wife

of the second part.

WITNESSETH, That in consideration of the sum of \$110,000.00

RECEIVED FOR TRANSFER State Department of Assestments & Taxation for Malaimore County

, in fee simple, all

C POCS

#44067 COOL ROZ T10:4

550.K

963.00

grant and convey to the said Frank M. Rynarzewski and Geraldine G. Rynarzewski, his wife, as tenants by the entirety their assigns, the survivor of them and his or her

Baltimore County, Maryland of ground situate in

and described as follows, that is to say:

Being known and designated as Lot # 2 & 3 on the Plat of Battle Grove (the property of Miller-Nelson, Inc.) which said Plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 5, folio 75. The improvements thereon being known as No. 7303 01d Battle Grove Road.

Being the same lot of ground which by Deed dated January 10, 1956 and recorded among the Land Records of Baltimore County in Liber GLB No. 2856 folio 158 was granted and con-Records of Barer and Mary J. Warner, his wife, unto Charles J. Barer and Eileen P. Bauer, his wife. The said Eileen P. Bauer havein departed this life on the 25th day of Detokse thereby vesting absolute fee simple title in the said Charles J. Bauer. See also Deed dated December 29, 1955 and recorded among the aforesaid Land REcords in Liber GLB No. 2850, folio 53 was granted and conveyed by Robert F. Warner and Mary J. Warner, his wife unto Charles John Bauer and Files P. Pager Property Section Eileen P. Bauer. Pursuarit: to the provisions of Article-Tax-Property Section

the residence on the property described in the deed to with this Affidavit is attached will be occupied by the grante

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND To HOLD the said described lot

of ground and premises to the said

personal representatives/xxxxxxxXXXX

Frank M. Ryarzewski and Geraldine G. Rynarzewski, his wife, as tenants by the entirety their assigns, the survivor of them and his or her

AND the said part y of the first part hereby covenant will warrant specially the property hereby granted; and that he such further assurances of the same as may be requisite.

STATE OF MARYLAND, Baltimore County, to wit:

I HEREBY CERTIFY, That on this in the year one thousand nine hundred and eighty-nine the subscriber, a Notary Public of the State aforesaid, personally appeared Charles J. Bauer

known to me (or satisfactorily proven) to be the person act, and in my presence signed and the within instrument, and acknowledged the foregoing Deed to be his sealed the same.

In Witness Whereof, I hereunto set my hand and official seal.

Ledu a. Sadler. LESUE A SADIER

July 1, 1990

My Commission expires

Memo to Mr. J. Robert Haines January 29, 1990

Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec. 22-213(a)>.

<u>Finding:</u> The proposed dwelling will be located 81' from the mean high tide line. The neighboring structures are located approximately 85' and 50' from the mean high tide line. The proposed dwelling shell be located no closer to the mean high tide line than the average distance of neighboring structures from the mean high tide line.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" (COMAR 14.15.02.04 C.(7)).

Finding: The sum of all man made impervious surfaces as proposed equals 11% of the lot.

4. Regulation: "The stormwater management system shall be designed

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code,

